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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,407	07/18/2003	Pierre-Andre Farine	Q76464	2805
23373	7590	05/04/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			HINZE, LEO T	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/621,407

Applicant(s)

FARINE, PIERRE-ANDRE

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20030718</u> . | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christen et al, US 6,463,011 (Christen) in view of Hornsby et al., US 6,527,610 (Hornsby) and Keller, US 5,079,726 (Keller).

a. Regarding claims 1 and 12:

Christen teaches an electronic timepiece, particularly a wristwatch, having display means capable of displaying the time (MN, H, Fig. 3), which are controlled by an electronic unit provided with storage means (26, Fig. 1), the timepiece further including manual control means allowing a user to enter data into said electronic unit (PS1, PS2, 51 through 62, Fig. 3), wherein said electronic unit generates, stores and temporarily displays one or more visual indications via said display means.

Christen does not teach a game mode, wherein the game mode is a memory game mode, wherein the user provides answers attempting to reproduce said indications using said manual control means, and said electronic unit compares said answers to said stored indications.

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Hornsby teaches that games incorporated into wristwatches increase the appeal and interactivity of such devices (col. 2, lines 43-45).

Keller teaches a game, wherein the game is a memory game, wherein the user provides answers attempting to reproduce said indications using said manual control means, and said electronic unit compares said answers to said stored indications (col. 1, line 59 through col. 2, line 17).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Christen by miniaturizing game of Keller and including it in the wristwatch of Christen, because Hornsby teaches that games on watches are advantageous for their portability, and one having ordinary skill in the art would recognize that increasing the features of a watch by adding a game mode would increase the commercial marketability of such a watch, possibly leading to higher sales and higher profits.

b. Regarding claims 2 and 13, the combination of Christen, Hornsby and Keller teaches all that is claimed as discussed in the rejection of claims 1 and 12, respectively, above. Keller also teaches wherein said visual indications are numerical values and wherein in the game mode said electronic unit randomly generates at least a first sequence of one or more numerical values and temporarily displays said sequence, then the user provides a sequence of answers consisting in successively reproducing said numerical values of the first sequence, said electronic unit compares the answers to the stored values and displays an indication as to the result of the comparison at least if the sequence of answers is not identical to the sequence of stored values (col. 1, line 59 through col. 2, line 17).

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c. Regarding claims 3 and 14, the combination of Christen, Hornsby and Keller teaches all that is claimed as discussed in the rejection of claims 2 and 13, respectively, above. Keller also teaches wherein when the result of the comparison indicates that the sequence of answers is identical to the sequence of stored values, said electronic unit generates and stores a next sequence of numerical values, then the user provides a new sequence of answers, said electronic unit compares said answers to said stored values and displays an indication as to the result of the comparison at least if the sequence of answers is not identical to the sequence of stored values, and so on (col. 1, line 59 through col. 2, line 17).

d. Regarding claim 10, the combination of Christen, Hornsby and Keller teaches all that is claimed as discussed in the rejection of claim 1 above. Hornsby also teaches an electro-acoustic transducer controlled by said electronic unit and arranged to emit, during display of said visual indications, various sounds that correspond to the various visual indications displayed (col. 2, line 47).

e. Regarding claim 11, the combination of Christen, Hornsby and Keller teaches all that is claimed as discussed in the rejection of claim 1 above. Keller also teaches the capability of determining and displaying the results of the memory game for different players (col. 2, lines 10-11).

f. Regarding claim 15, the combination of Christen, Hornsby and Keller teaches all that is claimed as discussed in the rejection of claim 14 above. Hornsby also teaches wherein said next sequence comprises at least one visual indication more than the preceding sequence ("adjusting the number of digits in the displayed code," col. 2, lines 12-14).

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g. Regarding claim 16, the combination of Christen, Hornsby and Keller teaches all that is claimed as discussed in the rejection of claim 15 above. Hornsby also teaches wherein said next sequence is generated by adding at least one extra visual indication to those of the preceding sequence ("adjusting the number of digits in the displayed code," col. 2, lines 12-14).

h. Regarding claim 17, the combination of Christen, Hornsby and Keller teaches all that is claimed as discussed in the rejection of claim 12 above. Hornsby also teaches wherein, during the display of the visual indications, the timepiece emits various sounds which correspond to the various visual indications displayed (col. 2, line 47).

3. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christen, Hornsby and Keller as applied to claim 1 above, and further in view of Hatuse et al., US 4,257,115. (Hatuse).

a. Regarding claim 4:

The combination of Christen, Hornsby and Keller teaches all that is claimed as discussed in the rejection of claim 1 above. Christen is clearly a watch (1, Fig. 3), and makes allusion to hour symbols, but does not explicitly contain hour symbols (col. 2, lines 60-65).

The combination of Christen, Hornsby and Keller does not teach wherein said display means include an analogue time display, having hour symbols and at least two hands individually driven by distinct motor means, and wherein said manual control means include control keys arranged in registration to at least certain of said hour symbols.

Hatuse teaches a watch wherein said display means include an analogue time display (42, Fig. 3), having hour symbols and at least two hands (52, Fig. 3) individually driven by distinct

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motor means, and wherein said manual control means include control keys arranged in registration to at least certain of said hour symbols (col. 2, lines 55-65). Hatuse teaches that such control keys are advantageous at eliminating shortcomings in terms of operability (col. 1, lines 23-27) by allowing a user to directly enter numerical values (col. 2, lines 55-56).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Christen wherein said display means include an analogue time display, having hour symbols and at least two hands individually driven by distinct motor means, and wherein said manual control means include control keys arranged in registration to at least certain of said hour symbols, because Hatuse teaches that such control keys are advantageous at eliminating shortcomings in terms of operability by allowing a user to directly enter numerical values. One having ordinary skill in the art would also recognize the advantage of having hour symbols, because hour symbols would allow users with less than average intelligence to make use of the watch to tell time without having to remember which hand positions correspond to different time indications.

b. Regarding claim 5, the combination of Christen, Hornsby, Keller and Hatuse teaches all that is claimed as discussed in the rejection of claim 4 above. Hatuse also teaches wherein said control keys are formed by electrodes arranged against a glass of the timepiece and facing the corresponding hour symbols (col. 2, lines 55-65).

c. Regarding claim 6, the combination of Christen, Hornsby, Keller and Hatuse teaches all that is claimed as discussed in the rejection of claim 4 above. Christen also teaches an alphanumerical display (AF, Fig. 3) used for displaying messages.

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d. Regarding claim 7, the combination of Christen, Hornsby, Keller and Hatuse teaches all that is claimed as discussed in the rejection of claim 4 above. Christen also teaches wherein said visual indications are time values and wherein the time value display in the game mode is achieved by positioning at least one of said hands facing one of said hour symbols ("hands indicate a particular piece of digital information," col. 6, lines 28-34).

e. Regarding claim 8, the combination of Christen, Hornsby, Keller and Hatuse teaches all that is claimed as discussed in the rejection of claim 7 above. Christen also teaches wherein the display of said time values in the game mode is achieved by means of hour and minute hands like a conventional time display ("hands indicate a particular piece of digital information," col. 6, lines 28-34).

f. Regarding claim 9, the combination of Christen, Hornsby, Keller and Hatuse teaches all that is claimed as discussed in the rejection of claim 4 above. Christen also teaches wherein said display means include function symbols, one of the hands being positioned facing one of the function symbols during the temporary display phase of one or more visual indications, then facing another of the function symbols while the user provides an input (Figs. 4a and 4b).

#### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo T. Hinze  
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29 April 2005



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